

# **ENVIRONMENTAL QUALITY COUNCIL MEETING MINUTES**

**NOVEMBER 12, 2015**

Joe Citta, Chair, called the meeting of the Nebraska Environmental Quality Council (EQC or Council) to order at approximately 1:01 pm, Central Time, November 12, 2015. The meeting was held at the Cornhusker Marriott, 333 South 13<sup>th</sup> Street, Lincoln, Nebraska. Public notice of the meeting and scheduled public hearings was published more than 30 days prior to the meeting in accordance with the law. Mr. Citta read a statement at the beginning of the meeting informing the public attending the meeting of the location of a current copy of the Open Meetings Act at the back of the meeting room.

## **ROLL CALL**

Present at roll call were Ms. Bucklin, Mr. Buhl, Mr. Citta, Mr. Czaplewski, Mr. Dahab, Mr. Dilsaver, Mr. Gangwish, Mr. Grams, Mr. Hall, Mr. Hawks, Mr. Hedquist, Mr. Kinter, Ms. Maricle, and Mr. Zuhlke. Absent were Mr. Anderson, Dr. Sheppard and Mr. Turnbull. Fourteen members present, constituting a quorum.

## **ANNOUNCEMENTS**

Jim Macy announced that Jay Ringenberg with NDEQ is planning to retire at the end of this year. Mr. Ringenberg expressed his thanks and appreciation to the council and introduced Steve Goans who will be replacing him at the end of December. Joe Citta stated it has been a privilege to work with Jay and thanked him for his service.

Jim Macy also announced that Steve Danahy with the NDEQ Waste Planning & Aid Unit will be retiring this year as well. Jim thanked Mr. Danahy for his hard work and service with NDEQ .

## **APPROVAL OF MINUTES**

Mr. Czaplewski made a motion to approve the minutes from the June 4, 2015 meeting. Mr. Hedquist seconded the motion. Voting in favor were Mr. Buhl, Mr. Citta, Mr. Czaplewski, Mr. Dahab, Mr. Dilsaver, Mr. Gangwish, Mr. Grams, Mr. Hall, Mr. Hedquist, Mr. Kinter, and Mr. Zuhlke. Mr. Buhl, Mr. Hawks, and Ms. Maricle abstained. Eleven voting yes, the motion carried.

## **REPORTS OF EQC MEMBERS**

None.

## **DIRECTOR'S REPORT**

Director Macy provided a written report to the Council. A copy of this report is attached to these minutes.

Ms. Bucklin asked if NDEQ was open to some suggested changes to the Compliance Inspection Exit Form that they are currently using when inspecting facilities. Mr. Macy stated this form is a work in progress and NDEQ is open to suggestions.

## **OLD BUSINESS**

None.

## **NEW BUSINESS**

None.

## **NEXT MEETING**

Legal Counsel Annette Kovar announced that the next meeting is scheduled for March 22, 2016 in Lincoln, Nebraska. Jim Macy stated that the summer meeting will include a tour of a facility, yet to be determined. Mr. Citta stated recommendations could be given to NDEQ Staff.

## **PUBLIC HEARING ON AMENDMENT OF TITLE 132, INTEGRATED SOLID WASTE MANAGEMENT REGULATIONS**

Carla Felix, Hearing Officer, opened the hearing. The following exhibits were received:

- Order appointing Carla Felix as Hearing Officer marked (Exhibit 1)
- Proof of publication of legal notice (Exhibit 2)
- Proposed Amendments to Title 132, Integrated Solid Waste Management Regulations (Exhibit 3)
- A memorandum from David Haldeman, NDEQ Waste Management Division Administrator, to the Environmental Quality Council, dated September 16, 2015, Regarding "Explanatory Statement for Proposed Amendments to Title 132 – Integrated Solid Waste Management Regulations" (Exhibit 4)
- Fiscal Impact Statement (Exhibit 5)
- An email from Dana Peters, on behalf of Mike Brincks, Deputy Administrator, U.S. EPA Region 7, to Alicia Boss, NDEQ, dated November 3, 2015, regarding EQC Meeting, November 12, 2015 (Exhibit 6)
- A copy of the PowerPoint presentation titled, "Proposed Amendments to Title 132 – Integrated Solid Waste Management Regulations," presented by David Haldeman, NDEQ (Exhibit 7)
- Testifier List for the November 12, 2015, public hearing (Exhibit 8)

David Haldeman, NDEQ Waste Management Division Administrator, provided testimony and a PowerPoint presentation explaining the proposed amendments. No one from the public provided testimony before the Council.

The Hearing Officer closed the hearing and returned the conduct of the meeting to the Chair.

Mr. Hedquist made a motion to approve the proposed amendments to Title 132. Mr. Grams seconded the motion. Mr. Kinter asked if there were any concerns expressed at the outreach meetings that were conducted. David Haldeman stated that there was one concern regarding the timeframe for closure for one facility, but no other concerns came up. Voting in favor were: Ms. Bucklin, Mr. Buhl, Mr. Citta, Mr. Czaplewski, Mr. Dahab, Mr. Dilsaver, Mr. Gangwish, Mr. Grams, Mr. Hall, Mr. Hawks, Mr. Hedquist, Mr. Kinter, Ms. Maricle and, Mr. Zuhlke. Fourteen voting yes, the motion carried.

### **PUBLIC HEARING ON PROPOSED 2016 FUNDING PERCENTAGE ALLOCATIONS FOR THE LITTER REDUCTION AND RECYCLING FUND**

Carla Felix, Hearing Officer, opened the hearing. The following exhibits were received:

- Order appointing Carla Felix as Hearing Officer marked (Exhibit 1)
- Proof of publication of legal notice (Exhibit 2)
- A memorandum from David Haldeman, NDEQ Waste Management Division Administrator, to the Environmental Quality Council, dated September 24, 2015, Regarding "Litter Reduction and Recycling Grant Program, 2016 Funding Percentage Allocations" (Exhibit 3)
- Testifier List for the November 12, 2015, public hearing (Exhibit 4)

David Haldeman, NDEQ Waste Management Division Administrator, provided testimony explaining the proposed 2016 Funding Percentage Allocation for the Litter Reduction and Recycling Fund. No one from the public provided testimony before the Council.

The Hearing Officer closed the hearing and returned the conduct of the meeting to the Chair.

Ms. Bucklin made a motion to approve the Proposed 2016 Funding Percentage Allocations for the Litter Reduction and Recycling Fund. Mr. Czaplewski seconded the motion. Voting in favor were: Ms. Bucklin, Mr. Buhl, Mr. Citta, Mr. Czaplewski, Mr. Dahab, Mr. Dilsaver, Mr. Gangwish, Mr. Grams, Mr. Hall, Mr. Hawks, Mr. Hedquist, Mr. Kinter, Ms. Maricle, and Mr. Zuhlke. Fourteen voting yes, the motion carried.

### **PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE PROGRAM PRIORITY SYSTEM FOR THE WASTE REDUCTION AND RECYCLING INCENTIVE GRANTS PROGRAM**

Carla Felix, Hearing Officer, opened the hearing. The following exhibits were received:

- Order appointing Carla Felix as Hearing Officer marked (Exhibit 1)
- Proof of publication of legal notice (Exhibit 2)

- Proposed Amendments to the Program Priority System for the Title 199 – Waste Reduction and Recycling Incentive Grants Program (Exhibit 3)
- A memorandum from David Haldeman, NDEQ Waste Management Division Administrator, to the Environmental Quality Council, dated September 23, 2015, Regarding “Explanatory Statement for Proposed Revisions to the Title 199 Program Priority System (Exhibit 4)
- Current version of the Program Priority System for the Title 199 – Waste Reduction and Recycling Incentive Grants Program (Exhibit 5)
- An letter from Judith A. Halstead, MS, Lincoln-Lancaster County Health Department, to the Public Information Office, NDEQ, dated September 22, 2015, regarding EQC Meeting, November 12, 2015 (Exhibit 6)
- Testifier List for the November 12, 2015, public hearing (Exhibit 7)
- An email from Richard Yoder, P.E., UNO/CBA/NBDC University of Omaha, to Carla Felix, NDEQ, dated November 12, 2015, regarding EQC Meeting, November 12, 2015 (Exhibit 8)

David Haldeman, NDEQ Waste Management Division Administrator, provided testimony explaining the proposed amendments. No one from the public provided testimony before the Council.

The Hearing Officer closed the hearing and returned the conduct of the meeting to the Chair.

Mr. Dahab made a motion to approve the proposed amendments to Title 199, Program Priority System for the Waste Reduction and Recycling Incentive Grants Program. Ms. Maricle seconded the motion. Ms. Bucklin inquired if the change on the 10% match to the three tiers makes the match less important and also if an applicant that matches better may have a better chance in being awarded a grant. Mr. Haldeman stated this is a possibility, but if there is a true need for a grant, the applicant would have an advantage, and this is all considered when reviewing the application. Mr. Hall commented that the applicant might provide less information, since match is not weighed as high in the review. Mr. Haldeman stated this might be an unintended consequence, but the stakeholders felt the match was very important. Voting in favor were: Ms. Bucklin, Mr. Buhl, Mr. Citta, Mr. Czaplewski, Mr. Dahab, Mr. Dilsaver, Mr. Gangwish, Mr. Grams, Mr. Hall, Mr. Hawks, Mr. Hedquist, Mr. Kinter, Ms. Maricle, and Mr. Zuhlke. Fourteen voting yes, the motion carried.

### **PUBLIC HEARING ON AMENDMENT OF TITLE 131, RULES AND REGULATIONS FOR WASTEWATER TREATMENT FACILITIES AND DRINKING WATER CONSTRUCTION ASSISTANCE PROGRAM**

Carla Felix, Hearing Officer, opened the hearing. The following exhibits were received:

- Order appointing Carla Felix as Hearing Officer marked (Exhibit 1)
- Proof of publication of legal notice (Exhibit 2)
- Proposed Amendments to Title 131, Rules and Regulations for the Wastewater Treatment Facilities and Drinking Water Construction Assistance Programs (Exhibit 3)
- A memorandum from Jim Macy, NDEQ Director, to the Environmental Quality Council, dated September 23, 2015, Regarding “Explanatory Statement for Proposed Amendments to Title 131 – Rules and Regulations for the Wastewater Treatment Facilities and Drinking Water Construction Assistance Programs” (Exhibit 4)
- Fiscal Impact Statement (Exhibit 5)

- An email from Dana Peters, on behalf of Mike Brincks, Deputy Administrator, U.S. EPA Region 7, to Alicia Boss, NDEQ, dated November 3, 2015, regarding EQC Meeting, November 12, 2015 (Exhibit 6)
- A copy of the PowerPoint presentation titled, "Proposed Amendments to Title 131 – Rules and Regulations for the Wastewater Treatment Facilities and Drinking Water Construction Assistance Programs," presented by Kevin Stoner, NDEQ (Exhibit 7)
- Testifier List for the November 12, 2015, public hearing (Exhibit 8)

Kevin Stoner, NDEQ Section Supervisor of the Financial Assistance Section, Water Quality Division, provided testimony and a PowerPoint presentation explaining the proposed amendments. No one from the public provided testimony before the Council.

The Hearing Officer closed the hearing and returned the conduct of the meeting to the Chair.

Mr. Hedquist made a motion to approve the proposed amendments to Title 131. Mr. Dahab seconded the motion. Ms. Bucklin asked for clarification on Chapter 4, section 005.01 regarding the project sign off by a Nebraska Professional Engineer. Ms. Bucklin voiced concern that this requirement may not be consistent and stated that it may be an issue if a Nebraska P.E. is not available or the project timeline is tight. Mr. Goans responded to the question stating that both the Nebraska Engineers and Architects Regulation Act and Title 123, wastewater design and construction regulations, require submissions by a professional engineer licensed in Nebraska. Mr. Hedquist asked for clarification on the refinancing of loans. He also asked Mr. Stoner if they had ever made funding available for communities that would like to transport their wastewater by truck on a regular basis as it might be more cost effective instead of laying pipe. Mr. Stoner stated they have funded projects for communities to transport their wastewater by pipe to another location, but not by truck. Mr. Dahab inquired about the coordination of the clean water review. Mr. Stoner stated that the program staff meet weekly. Voting in favor were: Ms. Bucklin, Mr. Buhl, Mr. Citta, Mr. Czaplewski, Mr. Dahab, Mr. Gangwish, Mr. Grams, Mr. Hall, Mr. Hawks, Mr. Hedquist, Mr. Kinter, Ms. Maricle and, Mr. Zuhlke. Mr. Dilsaver abstained. Thirteen voting yes, the motion carried.

**PUBLIC HEARING ON PROPOSED AMENDMENT TO 2016 INTENDED USE PLAN AND PROJECT PRIORITY LIST FOR CLEAN WATER STATE REVOLVING FUND (CWSRF) AND DRINKING WATER STATE REVOLVING FUND (DWSRF)**

Carla Felix, Hearing Officer, opened the hearing. The following exhibits were received:

- Order appointing Carla Felix as Hearing Officer marked (Exhibit 1)
- Proof of publication of legal notice (Exhibit 2)
- Amendment to Appendix B1-a (Exhibit 3)
- A memorandum from Kevin Stoner, NDEQ Section Supervisor of the Financial Assistance Section, Water Quality Division, to the Environmental Quality Council, dated September 23, 2015, Regarding "Proposed SFY 2016 Clean Water State Revolving Fund and Drinking Water State Revolving Fund Intended Use Plan and Project Priority Lists Appendix B1a List for November 12, 2015 EQC Meeting" (Exhibit 4)

- A letter from Charline Sparks, Sanitary & Improvement District No. 1 of Stanton County, Nebraska, to Jim Macy, Director, NDEQ, dated September 2, 2015, Regarding EQC Meeting, November 12, 2015 (Exhibit 5)
- Testifier List for the November 12, 2015, public hearing (Exhibit 6)

Kevin Stoner, NDEQ Section Supervisor of the Financial Assistance Section, Water Quality Division, provided testimony explaining the proposed amendments. One public testifier, Brad Lewis, who represented the Sanitary & Improvement District 1 of Stanton County, testified at the hearing that he would answer any questions from the EQC members if they desired. Two other members of the public signed the testifier list, but did not choose to testify.

The Hearing Officer closed the hearing and returned the conduct of the meeting to the Chair.

Mr. Hedquist made a motion to approve the proposed amendments to 2016 Intended Use Plan and Project Priority List for Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF). Mr. Hawks seconded the motion. Mr. Dahab inquired why the SID wasn't added to the IUP. The testifier, Brad Lewis, stated they had a miscommunication on whether they needed to be on it or not and they failed to submit a Needs Survey before the deadline ended. Voting in favor were: Ms. Bucklin, Mr. Buhl, Mr. Citta, Mr. Czaplewski, Mr. Dahab, Mr. Gangwish, Mr. Grams, Mr. Hall, Mr. Hawks, Mr. Hedquist, Mr. Kinter, Ms. Maricle and, Mr. Zuhlke. Mr. Dilsaver abstained. Thirteen voting yes, the motion carried.

Chair Citta adjourned the meeting at approximately 3:28 p.m. CT.

Respectfully submitted,



Jim Macy  
Director



**Pete Ricketts**  
*Governor*

# STATE OF NEBRASKA

**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**Jim Macy**

*Director*  
Suite 400, The Atrium  
1200 'N' Street  
P.O. Box 98922  
Lincoln, Nebraska 68509-8922  
Phone (402) 471-2186  
FAX (402) 471-2909  
website: <http://deq.ne.gov>

## DIRECTOR REPORT

**November 12, 2015**

### **Make Compliance Easier for Everyone**

- Provide Assistance and Training
- Go out to Nebraska, be proactive in education
- Streamline Process
- Develop Performance Goals and Objectives

Since the June EQC meeting NDEQ has had many accomplishments. Today Governor Ricketts and I announced the development and implementation of a council action you approved in June. Today we announced the Air General Permits and on line application process for Asphalt Batch plants. There are several other Air General permits in line for public notice. These actions will make it easier for businesses to apply for and receive timely permits without sacrificing environmental protection. In fact we plan to return the staff time saved through these actions to complete more assistance visits and technical assistance – to make it easy to be in compliance!

Staff has also developed another on-line application process for Construction Storm water Permits. We will be able to issue a permit in days rather than weeks. Again this is a positive step toward helping NDEQ maximize resource human resource management and to help grow Nebraska.

We also implemented a compliance determination finding sheet on September 1 that is left with facilities so they know if they are in compliance. I have traveled Nebraska extensively since the last EQC meeting and the regulated community told me resoundingly they want to know if they are in compliance.

We are taking more time to meet outside of Lincoln. Later this month we will hold two Ethanol Updates in Norfolk and Grand Island and in December a CAFO Update in Norfolk. Bringing our message and technical assistance out of the capitol city to outstate Nebraska will continue to be a fundamental goal for me.

Staff is working diligently on addressing EPA's Clean Power Plan. We are working to meet Nebraska's Carbon Reduction Strategy by meeting both with industry and environmental interests. Starting in

January we will start a public participation process. We anticipate asking for an extension of time as allowed by EPA to develop the best plan for Nebraska.

We are developing performance metrics on a monthly basis for staff and the Governor so we can measure process improvement. In January we will implement individual work plans for staff along with a new performance plan that will align agency goals and process improvement with individual performance. This process will help us better align human resources and work, so we can be more effective in helping make it easy to be in compliance in Nebraska.

Finally I want to thank NDEQ staff for quickly implementing many of these initiatives and process improvements. The staff at NDEQ is great to work with and is excited to try new ideas.

Regrettably, this will be Jay Ringenberg's last EQC meeting. I admire Jay's service to Nebraska DEQ and his wealth of knowledge will be missed as he has recently announced his retirement at the end of December.

Steve Goans will be stepping up to help manage the agency in the capacity of deputy department director.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Jim Macy". The signature is fluid and cursive, with the first name "Jim" being more prominent than the last name "Macy".

Jim Macy